UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JOHN K. WAHRMANN,

Plaintiff,

-VS-

6:13-CV-432

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Thomas J. McAvoy, United States District Judge

DECISION and ORDER

This matter was referred to the Hon. Andrew M. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the April 29, 2013 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

Accordingly, Plaintiff's complaint is DISMISSED in its entirety, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) for failure to state a claim due to lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated: June 3, 2013

Thomas J. M**oʻx**voy

Senior, U.S. District Judge